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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,223	09/30/2003	Michael P. Boutillette	BSME120587	9880

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EXAMINER

NGUYEN, HUONG Q

ART UNIT PAPER NUMBER

3736

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,223

Applicant(s)

BOUTILLETTE ET AL.

Examiner

Helen Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the RCE filed 11/13/2006. Claims 1 and 10 are amended. **Claims 1-12 and 20** are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 5-6, 10, and 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Loney et al (US Pat No. 5137517).

4. In regards to **Claim 1**, Loney et al disclose a device for applying torque to a wire, comprising:

a body portion (10) having a U-shaped channel, best seen in Figure 1 and 2c-d, referred to as "longitudinal slot" (12), with an opening that extends along an entire length of the body portion and a first engagement surface, referred to as "bottom surface" (38) within the channel (Col.3: 57-64), shown in Figure 2;

a slider (16) that is longitudinally slideable within the channel of the body portion so that the channel in the body portion remains open, the slider having a second engagement surface, referred to as "bottom surface" (48), that compresses a wire (14) that is inserted in the channel

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against the first engagement surface (38) so that rotation of the body portion applies torque to the wire (Col.5: 21-38).

5. In regard to **Claims 5-6**, Loney et al disclose the body portion (10) has a grip enhancing mechanism in the form of one or more ridges (25,26,28,30,32,34,36) on the exterior of the body portion (Col.3: 19-26), best seen in Figures 1-2.

6. In regards to **Claim 10**, Loney et al disclose a wire torquing device comprising:
a body (10) having an open U-shaped channel (12) extending along an entire length thereof in which a wire (14) can be fitted, best seen in Figures 1-2;

a slider (16) that is movable longitudinally within the body that includes an engagement surface (38) (Col.3: 57-64) that secures the wire, wherein the wire can be secured in the body without removing the slider from the body (Col.6: 1-7).

7. In regards to **Claim 12**, Loney et al disclose the slider (16) including an engagement surface (48) that can be selectively engaged with a fixed surface in the channel (12) of the body to secure the wire.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-4 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Loney et al in view of Hedger (US Pat No. 4057186).

10. In regard to **Claims 2-3 and 11**, Loney et al disclose the invention above but do not disclose the first engagement surface as a tongue that is suspended in the channel of the body portion, the slider having a channel with an open end and a closed end forming the second engagement surface, the channel in the slider receiving the wire so that movement of the slider in the channel compresses the closed end of the channel toward the first engagement surface of the tongue.

11. Hedger discloses an analogous device comprising a first engagement surface as a tongue (19) that is suspended in a channel or "bore" (15) of the body portion as connected to a slider (16), best seen in Figures 4 and 7 (Col.2, line 12-15). Hedger also discloses the slider (16) with a channel, referred to as "hole" (20) (Col.2, line 12-15), with an open end and a closed end, wherein said open end is defined as the connection point on the left between said slider and said tongue (19) at the point of said slider channel (20) (Figure 7 left side), and said closed end is defined as the right portion of the slider (16) and tongue (19) interface (Figure 7 right side), the under surfaces of said open and closed ends forming a second engagement surface or "under-surface of the slider" (Col.2, line 25), the channel in the slider receiving the wire so that movement of the slider in the channel compresses the closed end of the channel toward the first engagement surface of the tongue (19) (Col.2, line 23-28, 43-46), the entire combination as an effective method to grip a placed inserted into said channel wire.

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12. Therefore, it would have been obvious to one of ordinary skill in the art to modify the wire torquer of Loney et al such that the first engagement surface is a suspended tongue and the slider has an open and closed end that forms the second engagement surface so that movement of the slider in the channel with wire received within a channel in the slider compresses the closed end of the channel towards the first engagement surface of the tongue, as taught by Hedger, as an effective method to grip a wire inserted into the channel resulting in an improved device.

13. In regards to **Claim 4**, Loney et al in combination with Hedger disclose the closed end of the slider as defined above and the tongue, as described above, including angled cooperating surfaces (Loney Col.5: 21-33), as best seen in Figures 2-3.

14. **Claims 7-8 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Loney et al in view of Sherts et al (US Pat No. 6533772).

15. In regard **Claims 7 and 20**, Loney et al disclose a first engagement surface (38) within an open channel (12) and a second engagement surface (48) on the slider (16) as described above but do not disclose at both engagement surfaces as wedges. Sherts et al disclose an analogous guidewire torquing device with a first engagement surface or wedge tongue, referred to as "clamp pad" (104) and a second engagement surface or wedge, referred to as "angled cam surface" (106a), used to effectively secure a wire (Col.10, line 4-15), best seen in Figures 12b-c. Therefore, it would have been obvious to one of ordinary skill in the art to modify the first and

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second engagement surfaces of Loney et al such that each are wedges, as taught by Sherts et al, to enable a more secure hold during use of the device for gripping wire.

16. In regards to **Claim 8**, Loney et al in combination with Sherts et al disclose one or both engagement surfaces have a grip enhancing mechanism, wherein said grip enhancing mechanism is defined as the gripping that occurs between said first engagement surface (38) and said second engagement surface (48) to grip a wire (Col.5: 21-38).

17. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Loney et al in view of Greive (US Pat No. 6059484).

18. Loney et al disclose a guide wire torquer device but do not disclose said device further comprising a clip into which coils of the wire can be secured. Greive discloses clips (18) used to hold a guide wire tubes in a coiled arrangement (Col.9, line 42-46), best seen in Figure 8.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made incorporate such clips, as taught by Greive, with the guide wire torquer device of Loney et al, to hold excess guide wire in a coiled arrangement to maintain convenience during use (Col.1, line 20-33 of Greive).

Response to Arguments

19. Applicant's arguments with respect to **Claims 1-12 and 20** have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen Nguyen whose telephone number is 571-272-8340. The examiner can normally be reached on Monday - Friday, 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HQN
12/04/2006

